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MARCH 15, 2001

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
MARCH 15, 2001**

Meeting was called to order at 6:37 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz
Commissioner Carlton B. Moore (6:39)
Commissioner Cindi Hutchinson
Commissioner Tim Smith
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Rousseau

Invocation was offered by *Dr. Diane Mann*, Fourth Avenue Church of God.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting February 20, 2001

Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 6:39 P.M., Commissioner Moore arrived at the meeting.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission to the families of *Lucretia Cedrone* and *John Kalitan*.

2. Smoke Detector Test

Commissioner Smith demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

3. "Purchasing Month"

Commissioner Hutchinson read aloud and presented a proclamation declaring March as "Purchasing Month" in the City of Fort Lauderdale and encouraged everyone to recognize the role of the purchasing and materials management profession within business, industry and government. Mr. Kirk Buffington, Purchasing Director, accepted the proclamation on behalf of the Purchasing Division. He recognized those members of his staff who were present.

4. "India Earthquake Relief Day"

Commissioner Katz read aloud and presented a proclamation declaring March 17, 2001 as "India Earthquake Relief Day" in the City of Fort Lauderdale and encouraged everyone to remember and pray for the expeditious recovery of India's earthquake-ravaged people. *Mr. Mahendra P. Gupta*, President and CEO of Healthcare Systems, accepted the proclamation. He advised that a rally had recently been held in Washington, D.C., and he invited the Police Chief to attend the luncheon scheduled for March 17, 2001 and participate in a community project on Sistrunk Boulevard to which he planned to donate \$51,000.

Commissioner Moore said he would be happy to accept Mr. Gupta's donation and represent the Commission with respect to the project on Sistrunk Boulevard.

5. Outstanding City Employees of the Month

The City Manager introduced Department Directors to present the Outstanding City Employees of the Month:

- Detectives Douglas MacDougall and Jeffery Hendricks and Victim Advocate Elizabeth Bradshaw, of the Police Department;
- Firefighter-Paramedic Joseph A. Fox, of the Fire-Rescue Department;
- Curtis Potts, John LeRoy Bucci, Paul Brunelle, Henry Halavin, Sam McColloch and Robert Williams, of the Public Services Department; and
- Bob Pignataro, of the Community and Economic Development Department.

Commissioner Smith wished to take this opportunity to thank the Northwest Raiders on behalf of his constituents on Northwest 4th Avenue. He said they had made a great difference in that part of the world. Mayor Naugle noted that people often came to the Peele-Dixie Plant to obtain bottled water even though it was just ordinary tap water. Staff agreed that people came from all over the United States, and the Plant was listed in the RV magazines as a fill station. They were very proud of what had been accomplished at the Plant and invited everyone to come and visit this park. Mayor Naugle said there were rumors that the water had great medicinal properties and people thought it was the "fountain of youth."

6. Water Shortage

Mayor Naugle announced that Fort Lauderdale was facing a serious water shortage and was kicking off a public information campaign and asking residents to "turn it off!" He reminded everyone to follow the current water restrictions, which limited lawn watering and car washing to 2 days per week. Mayor Naugle also advised that in order to conserve water, people could install an inexpensive low-flow showerhead, and the City offered water flow restrictors free of charge. Additional information and materials were available at the back of the room.

Mayor Naugle understood the South Florida Water Management District was planning a public hearing for March 21, 2001, and then would decide whether or not to go to Phase III water restrictions on March 27, 2001. He had been told that would restrict watering to once per week, but experts indicated that watering was only necessary every 10 days. Mayor Naugle also suggested that the City's turn off its fountains because there was a lot of evaporation, and to cut back on the use of plantings that required a lot of watering. He had also asked the Community Appearance Board to consider some type of competition to recognize people who were doing xeriscaping with native species that did not require a lot of water.

CONSENT AGENDA (CA)

The following items were listed on the Consent Agenda for approval as recommended. The City Manager reviewed each item, and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement –

St. Patrick's Day Street Party (Old Town at Himmarshee Merchants Association) (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Old Town at Himmarshee Merchants Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **St. Patrick's Day Street Party** to be held **Saturday, March 17, 2001 from 12:00 noon to 12:00 midnight**; and further authorizing the closing of S.W. 2 Street from S.W. 2 Avenue to S.W. 4 Avenue and S.W. 3 Avenue from S.W. 2 Street to the Chili Pepper entrance (in the 100 block of S.W. 3 Avenue) from 9:00 a.m. Saturday, March 17 to 12:00 noon Sunday, March 18, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-334 from City Manager.

Event Agreement – Relay for Life (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **American Cancer Society** to indemnify, protect, and hold harmless the City from any liability in connection with the **Relay for Life** to be held **from 6:00 p.m. Friday, March 30 to 12:00 noon Saturday, March 31, 2001** at Joseph C. Carter Park.

Recommend: Motion to approve.

Exhibit: Memo No. 01-303 from City Manager.

Event Agreement – Dolphins at the IMAX (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Museum of Discovery and Science** to indemnify, protect, and hold harmless the City from any liability in connection with **Dolphins at the IMAX** to be held **Tuesday, April 3, 2001 from 7:00 p.m. to 9:30 p.m.**; and further authorizing the closing of S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue, from 12:00 noon to 10:00 p.m.

Recommend: Motion to approve.

Exhibit: Memo No. 01-335 from City Manager.

Event Agreement -**St. Patrick's Day Street Festival (Las Olas Riverfront Associates) (M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Las Olas Riverfront Associates Limited Partnership** to indemnify, protect, and hold harmless the City from any liability in connection with the **St. Patrick's Day Street Festival** to be held **Saturday, March 17, 2001 from 11:00 a.m. to 12:00 midnight**; and further authorizing the closing of Brickell Circle (also known as Las Olas Riverfront Circle) from S.W. 2 Street to the alley at One River Plaza, from 8:00 a.m. Saturday, March 17 to 9:00 a.m. Sunday, March 18, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-330 from City Manager.

Event Agreement – 2001 Children's Reading Festival (M-5)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Broward County Library** to indemnify, protect, and hold harmless the City from any liability in connection with the **2001 Children's Reading Festival** to be held **Saturday, April 21, 2001 from 10:00 a.m. to 5:00 p.m., and Sunday, April 22, 2001 from 12:00 noon to 5:00 p.m. in Stranahan Park**; and further authorizing the closing of S.E. 1 Avenue from Broward Boulevard south to the City Parking Garage exit, S.E. 1 Street from S.E. 1 Avenue to S.E. 2 Avenue, and S.E. 2 Street from Andrews Avenue to S.E. 1 Avenue, from 6:00 p.m. Friday, April 20 to 8:00 p.m. Sunday, April 22, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-306 from City Manager.

Event Agreement – Walk to Cure Diabetes (M-6)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Juvenile Diabetes Research Foundation** to indemnify, protect, and hold harmless the City from any liability in connection with the **Walk to Cure Diabetes** to be held **Saturday, March 24, 2001 from 6:00 a.m. to 3:00 p.m.** at Snyder Park; and further authorizing the closing of S.W. 4 Avenue from S.W. 28 Street to Perimeter Road from 7:30 a.m. to 8:30 a.m.

Recommend: Motion to approve.

Exhibit: Memo No. 01-329 from City Manager.

Event Agreement – Walgreens Ride 2001 (M-7)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Center One, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Walgreens Ride 2001** to be traveling through Fort Lauderdale on **Sunday, April 1, 2001 from 10:00 a.m. to 4:00 p.m.**

Recommend: Motion to approve.

Exhibit: Memo No. 01-328 from City Manager.

Event Agreement – Spring Home Tour (M-8)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Victoria Park Civic Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Spring Home Tour** to be held **Saturday and Sunday, April 7 and 8, 2001 from 1:00 p.m. to 6:00 p.m.**; and further authorizing the closing of N.E. 17 Way from N.E. 5 Street to N.E. 6 Street from 11:30 a.m. to 5:00 p.m. each day.

Recommend: Motion to approve.

Exhibit: Memo No. 01-305 from City Manager.

Event Agreement – St. Patrick's Day Celebration at Maguire's Hill 16 (M-9)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Cildara Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **St. Patrick's Day Celebration at Maguire's Hill 16** to be held **Friday and Saturday, March 16 and 17, 2001 from 7:00 a.m. to 12:00 midnight**; and further authorizing the closing of the southbound curb lane of North Andrews Avenue from 5 Street to 6 Street from 12:00 noon to 2:00 a.m. each event day, and the alley running parallel to Andrews Avenue at the back of Maguire's Hill 16 between its property lines only from 12:00 noon Thursday, March 15 to 12:00 noon Sunday, March 18, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-304 from City Manager.

Event Agreement – Blarney Blast..... (M-10)

A motion authorizing and approving the execution of an Insurance, Indemnification, and Hold Harmless Agreement with **Steak and Ale of Florida** to indemnify, protect, and hold harmless the City from any liability in connection with the **Blarney Blast**, to be held on **Saturday, March 17, 2001 from 7:00 p.m. to 12:00 midnight**, at Bennigan's on 665 N.W. 62 Street.

Recommend: Motion to approve.

Exhibit: Memo No. 01-336 from City Manager.

Budget Adjustment for Employee Group Compensation Adjustment (M-11)

A motion authorizing the appropriation of General Fund Contingencies to fund the employee group compensations.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-187 from City Manager.

**Contribution Agreement –
The Stranahan House, Inc. – Purchase of Hyde Park Market Property..... (M-12)**

A motion authorizing the proper City officials to execute an agreement with The Stranahan House, Inc. to accept a contribution for \$2,000,000 towards the purchase of the Hyde Park Market property for use as a City park.

Recommend: Motion to approve.

Exhibit: Memo No. 01-346 from City Manager.

**Amendment No. 3 to Reimbursable Agreement – Federal Aviation
Administration (FAA) - 24-Hour FAA Traffic Control Service at Executive Airport (M-13)**

A motion authorizing the proper City officials to execute Amendment No. 3 to the Reimbursable Agreement with the FAA for an estimated annual cost of \$165,564 to continue the program to have 24-hour FAA traffic control service at Executive Airport.

Recommend: Motion to approve.

Exhibit: Memo No. 01-301 from City Manager.

**Disbursement of Funds –
Joint Investigation O. R. 00-33450 - \$18,245.54 U. S. Currency..... (M-14)**

A motion authorizing the equitable disbursement of \$18,245.54, with each of the 20 participating agencies to receive \$1,140.34.

Recommend: Motion to approve.

Exhibit: Memo No. 01-2-5 from City Attorney.

Disbursement of Funds –**Joint Investigation O. R. 00-6022 - \$1,220.98 U. S. Currency (M-15)**

A motion authorizing the equitable disbursement of \$1,220.98, with each of the 16 participating agencies to receive \$76.31.

Recommend: Motion to approve.

Exhibit: Memo No. 01-2-4 from City Attorney.

Disbursement of Funds –**Joint Investigation O. R. 99-112110 - \$6,635.82 U. S. Currency..... (M-16)**

A motion authorizing the equitable disbursement of \$6,635.82, with each of the 16 participating agencies to receive \$414.73.

Recommend: Motion to approve.

Exhibit: Memo No. 01-2-3 from City Attorney.

Transfer of Law Enforcement Trust Funds (LETf) – CrimeStopper Program (M-17)

A motion authorizing the transfer of \$5000 from LETf to POL050201/4299 (Other Contributions) for the CrimeStopper Program.

Recommend: Motion to approve.

Exhibit: Memo No. 01-83 from City Manager.

Revocable License Agreement – Flagler 500 LLC –**Construction of Five Metal Awnings to Extend in City Right-of-Way(M-18)**

A motion authorizing the proper City officials to execute a revocable license agreement with Flagler 500 LLC to allow the construction of five metal awnings to extend in the City right-of-way at N.W. 5 Street and N.W. 1 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 01-211 from City Manager.

PURCHASING AGENDA

Open Late RFP 512-8416 – Turn-key Wireless System (Pur-1)

Open late proposal for the purchase of a turn-key wireless system to connect all fire and mission critical facilities by Administrative Services, Information Technology is being presented for approval.

Vendor: Neteam, Lake Worth, FL
Exhibits: Memorandum No. 01-302 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to open the late proposal.

Proprietary Purchase – Motorola Radios, Parts and Service (Pur-2)

An agreement to purchase various Motorola radios, parts and services for the Administrative Services/Information Technology Division is being presented for approval.

Vendor: Motorola Communications & Electronics, Inc.
Ft. Lauderdale, FL
Amount: \$ 332,570.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-226 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Proprietary Purchase – Maintenance, Noise Monitoring System (Pur-3)

Three year maintenance agreements for noise monitoring system by the Community and Economic Development, Executive Airport is being presented for approval.

Vendors: Lochard Corp., Stoneham, MA
Megadata Corp., Bohemia, NY
Bruel & Kjaer, Norcross, GA
Amount: \$ 179,177.20 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-340 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Open Late RFP 312-8437 – Consultant Study of Boat Hoisting Restrictions (Pur-4)

Open late proposal for the consultant study of boat hoisting restrictions by the Office of Community and Comprehensive Planning is being presented for approval.

Vendor: Marina Management Services, Inc.
Boca Raton, FL
Exhibits: Memorandum No. 01-293 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to open the late proposal.

Proprietary Purchase – Six Dry-Pit Submersible Pumps (Pur-5)

An agreement to purchase six dry-pit submersible pumps by the Public Services Department is being presented for approval.

Vendors: Hudson Pump & Equipment Assoc., Inc.
Parkland, FL
Amount: \$ 15,696.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-244 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Contract Extension 792-8112 –Bulk Trash Recycling (Pur-6)

One year agreement to extend the contract for bulk trash recycling (1st extension) by the Public Services Department is being presented for approval.

Vendors: Envirocycle, Inc., Ft. Lauderdale, FL
Amount: \$ 2,555,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-213 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the contract extension.

Mayor Naugle announced that **Item No. M-3** had been **deleted** from the agenda and would not be considered today. The City Manager **amended Item No. Pur. 4** to reflect the correct amount of \$28,952.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-6, M-12, Pur. 2 and Pur. 6 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Event Agreement – Walk to Cure Diabetes (M-6)

Commissioner Moore said he was a diabetic and wanted to walk in this event, and he wished to make a public request for a sponsor in order to raise money for the cause. *Ms. Nancy Hart* explained that money would be raised through donations. The event was scheduled for Snyder Park, and there were already 117 teams, with 1,800 registered walkers. Mr. Gupta offered to donate \$1,000 if Commissioner Moore walked 10 miles, and others offered \$10 per mile. Mayor Naugle agreed to sponsor him for \$20, for a total of \$2,300.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve Consent Agenda Item No. M-6 as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Contribution Agreement – The Stranahan House, Inc. –
Purchase of Hyde Park Market Property (M-12)**

Commissioner Moore said he could not support this item.

Motion made by Commissioner Hutchinson and seconded by Commissioner Katz that Consent Agenda Item No. M-12 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

Proprietary Purchase – Motorola Radios, Parks and Service (Pur. 2)

Commissioner Hutchinson asked if this money had already been budgeted, and Mr. Buffington believed so.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. Pur. 2 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Contract Extension 792-8112 – Bulk Trash Recycling (Pur. 6)

Commissioner Moore wanted to make sure any concerned residents had an opportunity to discuss this item, but no one came forward.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. Pur. 6 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Settlement Proposal – Rosa Mae Bolden..... (M-19)

A motion was presented authorizing the proper City officials to accept a settlement proposal in the case of City of Fort Lauderdale v Rosa Mae Bolden et al.

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the settlement of City of Fort Lauderdale v Rosa Mae Bolden et al. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

Vacate a Portion of S.E. 2 Street between S.E. 8 Avenue and Federal Highway – The Las Olas Company, Inc. et al (PZ Case No. 20-P-00) (PH-1)

At the Planning and Zoning regular meeting of January 18, 2001, it was recommended by a vote of 4 to 3 that the following application be approved. Notice of the public hearing was published on March 3 and 10, 2001. (Also see Item PH-2 on this Agenda).

Applicant: The Las Olas Company, Inc. et al
Request: Vacate a portion of S.E. 2 Street
Location: S.E. 2 Street between S.E. 8 Avenue and Federal Highway (U.S. 1)

Mayor Naugle called for those who wished to be heard. The following appeared:

Ms. Lois Udvardy, Development Services, said the applicant proposed to vacate a 488' section of Southeast 2nd Street in order to consolidate property they owned on both sides of the street for the construction of a surface parking lot. She advised that all of the property owners abutting the right-of-way had joined in with this request. Ms. Udvardy reported that the Development Review Committee (DRC) had reviewed this proposal on September 26, 2000, and all issues raised at the time had been addressed. She advised that Bell South, Florida Power & Light, Peco's Gas and Comcast had facilities within the right-of-way but did not object to the vacation as long as the easement was retained. Ms. Udvardy said the City had water, storm water and sanitary sewers within the right-of-way, but there were no objections subject to retention of the easement and recordation of a document stating that the applicant would bear all costs of repairing the parking lot if the City had to access those facilities.

Ms. Udvardy stated that this vacation met the criteria of ULDR Section 47-24.6, Vacation of Rights-of-Way, and staff recommended two conditions, including:

- That the vacated right-of-way be retained as a utility easement; and
- That the applicant execute and record a document agreeing to bear the costs of repairs to the parking lot if the utilities within the vacated right-of-way had to be accessed or maintained.

Mr. Bob Huebner, Attorney for the applicant, stated that the applicant intended to improve the currently existing parking lots to bring them up to current Code requirements. He advised this would increase the number of parking spaces by 131 spaces. Mr. Huebner said that a traffic engineer had been retained to perform a study, which indicated that there would be 100 trips that would be transferred to other locations. He stated that staff had addressed that issue by moving those trips to Southeast 2nd Street, which was 5 seconds away or 230'. Mr. Huebner advised that Southeast 2nd Street was designed to accommodate 4,800 cars, and it now had 733 trips according to the analysis. He stated that the 100 cars that would be added would be 2/10 of 1% of the street's capacity.

Mr. Huebner believed a surface parking lot would benefit the neighborhood because the existing parking lots would be brought up to Code, thus assuring no run-off into the canal to the north. In addition, there would be 2,000 more square feet of landscaping and over 130 new parking spaces. He stated that parking lots did not attract traffic, but it could prevent drivers from circulating through neighborhoods looking for parking spaces during events, so he was hopeful this proposal would actually calm traffic.

Mr. Huebner stated that the applicant had been instrumental in helping Las Olas Boulevard grow, and they had done that by anticipating future parking needs. He noted that about 1,300 surface parking spaces would be lost just to the west of the tunnel due to new development. Mr. Huebner believed The Las Olas Company was one of the few companies in the community that wanted to do more than just the minimum required. He pointed out that this application met the vacation criteria, and he asked the Commission to approve it.

Ms. Elisa Tunanidas, 800 Southeast 7th Street, said her house faced 8th Avenue, and she was happy that Las Olas Boulevard was successful. However, she did not feel the use of the vacated area by pedestrians had been addressed. She stated that residents of the area used Southeast 2nd Street to walk to the downtown area. Although Las Olas Boulevard was beautiful, she felt that was meant for tourists who were strolling. Ms. Tunanidas stated that neighborhood residents also used this street for fairly easy access to Federal Highway because of the gridlock at 8th Avenue and Broward Boulevard. She said there were tremendous traffic problems in the area, and it was directed down 8th Avenue. Ms. Tunanidas also took issue with the statement that there would be no run-off because she believed that whenever ground was paved, there was run-off.

Dr. Murray Smith said he had an office at 800 East Broward Boulevard, and he lived in a condominium at 800 Southeast 2nd Street. He objected to this vacation. Dr. Smith understood the traffic study had been conducted on a weekday in August, and that did not reflect conditions on weekends or during the season. He felt that closing this street would adversely affect property values in the neighborhood, and he thought this could only increase existing traffic problems. Dr. Smith pointed out that the Las Olas Company could bring its existing parking lots up to Code, and the City could install parking meters on the street.

Mr. Pete Tunanidas did not understand why the City would give away a street if it were not part of a planned development. He also did not understand why the applicant could not bring its property up to Code requirements without the City having to give up a street.

Dr. Mahendra Gupta said he lived at 916 Southeast 5th Court, and he questioned the economic wisdom of this proposal. He believed the Las Olas Company had made millions of dollars, and he wondered what it had done for the community.

Mr. Neil Eward was also opposed to this street vacation. He did not feel the City should give a public street to any entity. Mr. Eward displayed a sketch of the area. He believed this vacation would create a nightmare in terms of emergency vehicle routes, and he circulated some photographs of the area pointing out various illegal construction activities.

Mr. Huebner noted that a concern had been raised about pedestrian use. He stated that the study showed 33 pedestrians had used the street during the 24-hour study period. Mr. Huebner explained that if the street were vacated, it would not be closed to pedestrians. In fact, the plan provided for bike trails and pedestrian walkways. Commissioner Smith suggested retention of a pedestrian easement for as long as the property was used as a parking lot. Mr. Huebner agreed that was the intent.

Mr. Huebner added that only 100 trips would be transferred to 2nd Court. Mayor Naugle asked if the study had been conducted in August. Mr. Huebner replied that the traffic consultant could address that question and added that drainage would be toward the center of the parking lot and not toward the canal.

Mr. Alan Tinter, Traffic Engineer, reported that the primary traffic study had been conducted in March, which was considered peak season based on traffic volume counts. Subsequent counts had been performed in December, and some counts had been done in August to confirm the percentage of traffic oriented towards the existing parking lot.

Mr. Arjen Koch was opposed to the street vacation. He noted that the Las Olas Company also owned property on the other side of the canal, and he wondered if it would want to use the canal next.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson noted that the applicant had indicated the property would be brought up to Code if the street were vacated. She hoped the property was already in conformance with the Code. Commissioner Hutchinson stated that this area was overrun with traffic problems now, particularly when special events were held on Las Olas Boulevard. She was opposed to this street vacation, and she had a hard time with vacating a public street to serve private interests.

Commissioner Smith noted that a concern had been expressed about emergency vehicles. The Fire Chief said that any street closures or diversions would have impact on how emergency vehicles responded in any area. Mr. Keith Allen, Deputy Fire Chief, explained that the Fire Department had a representative on the DRC. Ms. Udvardy advised that the Fire Department had not objected to the vacation during the DRC process. Commissioner Moore understood that all the road closures in the City were considered to have impact. The Fire Chief replied that they all impacted how emergency vehicles responded. Commissioner Moore pointed out that this issue was true of all closures, but the other benefits were weighed as well.

Commissioner Smith had been left with the impression that there were Code violations on the subject property. Mr. Pete Witschen, Assistant City Manager, said he had recently met with Mr. Eward in that regard, and staff would be working in the neighborhood to address enforcement issues. Commissioner Smith was concerned about Code violations on this property. Ms. Udvardy stated that after the Planning & Zoning Board meeting at which Mr. Eward had mentioned some violations, the Community Inspections Bureau had gone out and cited any violations on the block.

Mr. Huebner explained that when he had mentioned bringing the existing parking lots up to Code, he had meant bringing them up to meet current Code standards. They were not currently in violation because they were grandfathered in under previous Codes.

Commissioner Smith thought there were either violations or there were not. Ms. Cecelia Hollar, Construction Services, explained that these were legal, non-conforming lots because they did not meet current standards in terms of space size, landscaping, etc. She advised that there had been some Code violations, however, and those had been cited. Ms. Hollar stated that there were some gates, fences, and structures without permits, some trash violations, and improper storage of a dumpster. She noted that there were 3 owners involved in this case.

Commissioner Smith thought the applicant might want to request a deferral and present this request again when there were no Code violations on the property. Commissioner Katz thought it would be helpful if the community decided "what it wanted to be when it grew up." She felt that if they needed help, FAU would likely be willing to help the neighborhood come to terms with some kind of future to help in the decision-making process as various issues arose.

Commissioner Hutchinson thought Commissioner Katz's idea was a good one, but it would not change how she felt about vacating public property for private use. She agreed all the neighborhoods in this area needed to look to the future.

Mr. Huebner believed many of the issues really related to the alley that was the subject of Item No. PH-2.

Motion made by Commissioner Smith and seconded by Mr. Commissioner Moore to defer first reading to June 19, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Smith, Moore, and Katz. NAYS: Commissioner Hutchinson and Mayor Naugle.

**Vacate a Portion of Alley South of S.E. 2 Street between
S.E. 8 Avenue and Federal Highway – The Las Olas
Company, Inc. et al (PZ Case No. 21-P-00)** (PH-2)

At the Planning and Zoning regular meeting of January 18, 2001, it was recommended by a vote of 6 to 1 that the following application be approved. Notice of the public hearing was published on March 3 and 10, 2001. (Also see Item PH-1 on this Agenda).

Applicant: The Las Olas Company, Inc. et al
Request: Vacate a portion of alley
Location: South of S.E. 2 Street between S.E. 8 Avenue and
Federal Highway (U.S. 1)

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading to June 19, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Smith, Moore and Katz. NAYS: Commissioner Hutchinson and Mayor Naugle.

Vacate a Portion of North/South Alley –

Asher Anderson and Gail Julian (PZ Case No. 15-P-00) (O-1)

At the Planning and Zoning regular meeting of December 20, 2000, it was recommended by a vote of 8 to 0 that the following application be approved. Ordinance No. C-01-5 was published on February 8 and 15, 2001, and passed on first reading February 20, 2001 by a vote of 5 to 0.

Applicant: Asher Anderson and Gail Julian
Request: Vacate a portion of north/south alley
Location: North/south alley south of N.W. 5 Street, between North Andrews Avenue and N.W. 1 Avenue

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-5

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE 15 FOOT ALLEY IN BLOCK 26, "AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID BLOCK 26 AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 14 OF SAID BLOCK 26, LOCATED BETWEEN ANDREWS AVENUE AND NORTHWEST 1ST AVENUE, SOUTH OF NORTHWEST 5TH STREET AND NORTH OF NORTHWEST 4TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Vacate a Portion of North/South Alley –

Lonnie N. Jackson Marital Trust (PZ Case No. 28-P-00)..... (O-2)

At the Planning and Zoning regular meeting of December 20, 2000, it was recommended by a vote of 6 to 1 that the following application be approved. Ordinance No. C-01-6 was published on February 8 and 15, 2001, and passed on first reading February 20, 2001 by a vote of 4 to 1 (Smith).

Applicant: Lonnie N. Jackson Marital Trust
Request: Vacate a portion of north/south alley
Location: North/south alley south of S.W. 6 Street, between S.W. 1 Avenue and South Andrews Avenue

Commissioner Smith believed there might be some new efforts to locate a grocery store north of the River.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-6

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF THE 14 FOOT ALLEY IN BLOCK 54,"TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE NORTH BOUNDARY OF SAID BLOCK 54 AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 19, OF SAID BLOCK 54, LOCATED BETWEEN SOUTHWEST 6TH STREET AND SOUTHWEST 7TH STREET BETWEEN SOUTH ANDREWS AVENUE AND SOUTHWEST 1ST AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to Chapter 2 –

Increase Membership for Education Advisory Board (O-3)

An ordinance was presented amending Article VII of Chapter 2, Division 5 of the Code of Ordinances to increase the membership of the Education Advisory Board. Ordinance No. C-01-7 was published on February 10, 2001, and passed on first reading on February 20, 2001 by a vote of 4 to 1 (Hutchinson).

Commissioner Hutchinson said she could support this if someone from the School Board participated, or perhaps some high school students. Mayor Naugle noted that Commissioners could appoint such members to the Board.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-7

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 2, DIVISION 5, EDUCATION ADVISORY BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO INCREASE THE MEMBERSHIP OF THE EDUCATION ADVISORY BOARD.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amendment to Chapter 20 – General Employees
Retirement System – Vesting Schedules and Cessation
of Employee Contributions (O-4)**

An ordinance was presented amending Chapter 20, Division 2 of the Code of Ordinances respecting the General Employees Retirement System, to amend the vesting schedules for certain employees and provide cessation of employee contributions upon achieving a 100 percent benefit accrual. Ordinance No. C-01-8 was published on March 5, 2001, and passed on first reading on February 20, 2001 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-01-8

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM, PERMITTING CERTAIN GROUP I MEMBERS EXCEED THE MAXIMUM BENEFIT ACCRUAL OF 90% UNDER CERTAIN CONDITIONS, AMENDING THE VESTING SCHEDULE FOR THE POSITION OF CITY MANAGER, AND PROVIDING FOR CESSATION OF EMPLOYEE CONTRIBUTIONS UPON ACHIEVING A ONE HUNDRED PERCENT BENEFIT ACCRUAL.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amendment to the Pay Plan – Schedules I and VI
and Creation of Pay Range R-9 (O-5)**

An ordinance was presented amending the Pay Plan of the City to provide for new classes, adjust the pay range within a class, and establish Pay Range R-9. Notice of the proposed ordinance was published on March 5, 2001.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-9

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA PROVIDING FOR NEW CLASSES, ADJUSTING THE PAY RANGE WITHIN A CLASS AND ESTABLISHING A PAY RANGE R-9.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to the Pay Plan – Schedules I and II..... (O-6)

An ordinance was presented amending the Pay Plan of the City, providing for modifications in the schedules of pay ranges for supervisory, professional, managerial and confidential employees; amending Code Section 20-67(a)(2) providing for an increase in longevity pay rates for certain employee categories; amending Schedule I of the Pay Plan modifying the retiree health benefit formula for fire managers and supervisors, for police managers and supervisors, for non-bargaining unit supervisory, professional and managerial employees and for non-bargaining unit confidential employees; amending Schedule I of the Pay Plan adjusting allowance benefits for certain categories of employees, and modifying the pay ranges for Battalion Chief and Division Chief within the Fire-Rescue Department. Notice of the proposed ordinance was published on March 5, 2001. The City Manager requested that this item be deferred.

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading to March 20, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Site Plan Approval/Development of Significant Impact/ABA - MLK Development, Inc. (PZ Case No. 26-R-99).....(R-1)

At the Planning and Zoning Board regular meeting on February 21, 2001, it was recommended by a vote of 5 to 2 (with staff conditions), that the following application be approved.

Applicant: MLK Development, Inc.
Request: Site plan approval/development of significant impact/ABA
Location: 607 Fort Lauderdale Beach Boulevard

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Jim Koeth, Construction Services, explained that site plan approval, yard modifications and use of the property for a hotel were requested. In addition, the applicant was seeking an exemption from zoning in progress with regard to floor area ratio (FAR), and there were 3 issues relating to the development standards contained in the ULDR.

Mr. Koeth stated that the applicant had been required to apply for a new beach development permit in order to modify the previously approved site plan. He advised that the hotel would be approximately 150' in height and would contain 128 suites, 2,130 square feet of restaurant/bar area, 6,772 square feet of spa space, and 362 square feet of retail uses. Mr. Koeth said that 187 parking spaces were required but 164 spaces were proposed. He noted that the required yard on northbound A-1-A was 20', and the applicant proposed a yard of 5'. In addition, along Arramar Street a 20' yard was required, and 10' was proposed. On Terramar Street, a yard of 20' yard was required, and the applicant proposed a 27' setback to the building and a 0' setback to the portico. Further, a 75' side yard was required on the west side, and the applicant proposed a 20' yard with 3' encroachments projecting into the yard.

Mr. Koeth referred to the FAR. He explained that the applicant was requesting an exemption from the zoning in progress currently requiring that parking garages be included in the FAR calculations. He advised that without including the garage the FAR calculation in this project was 3.71, but it was 5.97 with the parking garage, which exceeded the maximum of 4.

Mr. Koeth stated that there were development standards issues including parking for the spa on the fifth floor. He explained that the current plan provided spa space for guests only, but the proposed spa area was not customarily considered incidental to the primary use. Therefore, under the Zoning Administrator's interpretation, a parking requirement for the spa area would be assessed at 1 per 200 square feet or 33 parking spaces.

Mr. Koeth noted that the applicant was proposing encroachments into the minimum 20' setbacks, including balconies, banding, cornice work, and the roof overhang. He advised that these encroachments were not consistent with the development standards of the ULDR. In addition, Ordinance C-00-26 required that any portion of a structure in excess of 35' in height had to provide a setback of at least 1' of 1' in height beginning the measurement at the ground level of the western right-of-way line of State Road A-1-A. Mr. Koeth said that this project was not considered consistent with the beach shadow restrictions.

Mr. Koeth reported that staff had found this site plan was not consistent with development standards but, if the City Commission found that it was in conformance with the ULDR, staff recommended certain conditions as detailed in the written report distributed to the Commission. He advised that the Planning & Zoning Board had recommended approval of the application on a 5 to 2 vote with those staff conditions.

Mr. Donald Hall, Attorney representing the applicant, distributed some written materials and introduced various members of the development team. He stated that although it seemed otherwise, this was not an application for a new project. Rather, it was a simple application to amend a beach development permit granted unanimously by the City Commission on July 21, 1999, which was still in full force and effect. He stated that the application before the Commission this evening was an amendment to accommodate some functional changes requested by the operator of the proposed hotel for business reasons. He advised that Rosewood was a very high end, 5-star operator of luxury, boutique hotels.

Mr. Hall said that this application would not alter the height of the structure, its mass, its setbacks, its design or the appearance of the building, or the footprint of the structure. He displayed an elevation of the Marquis Hotel approved in 1999, as well as the elevation of the proposed application to amend. He pointed out that they were almost impossible to tell apart. Mr. Hall said there were some minor changes, but this was the same project approved in 1999. He also displayed the footprints of the two buildings, and pointed out that they were the same.

Mr. Hall stated, now that everyone knew what was not being changed, that the proposed changes were internal to the building. He said they would not be seen, perceived, or in any way noticed from the outside of the building. Mr. Hall advised that one change was to go from a combination of self-park and valet parking to all valet parking because that was how Rosewood operated its hotels. In so doing, the parking could be increased to 164 spaces.

Mr. Hall reported that another change was an increase in the number of rooms from 108 to 128 because the original plan had contained some very large suites of over 2,000 square feet. Rosewood, however, preferred to operate a hotel with rooms closer to its usual hotel rooms. When the rooms had been reconfigured on the interior, it had resulted in 20 more rooms. Mr. Hall understood the obvious question in that regard was how that would affect traffic, and he reported that it did nothing in terms of traffic.

Mr. Hall said the spa seemed to be an issue. He advised that the original plan had called for a work-out area of about 900 square feet, and this proposal included a spa for its guests only. He pointed out that it would be located on the 5th floor and was not accessible to other than guests, and the applicant was willing to accept a condition in this regard via a supplemental agreement setting forth that obligation.

Mr. Hall explained that it was the Zoning Administrator's interpretation that a 6,000-square foot spa was not customary and incidental to a hotel. He could only infer that was due to the fact that there would only be 128 rooms, and the spa was large. Mr. Hall stated that he would agree with the Zoning Administrator if this hotel was going to be a Days Inn, for example. However, spas were customary and incidental in 5-star, luxury hotels. He stated that the guests of a Rosewood project would probably expect an even larger spa. Mr. Hall pointed out that it included 10 treatment rooms, locker rooms, whirlpools, etc., and he disagreed with the Zoning Administrator's interpretation that these things were not customary and incidental to a luxury hotel.

Mr. Hall stated that other hotels in Fort Lauderdale had provided similar amenities for its guests without additional parking. Mayor Naugle asked which hotels. Mr. Hall believed Ocean Dunes and Castillo Grand had similar facilities. Mayor Naugle noted those had not been constructed yet. Mr. Hall agreed that was true, but they had been approved.

Mr. Hall did not believe it was the size of the spa that determined whether or not it was an amenity, but the expectations of the guests and the manner in which it was offered only to guests. He thought it was clear that the spa was an amenity and not a principal use.

Mr. Hall advised that the other issue involved balconies. He stated that the Marquis had balconies that stretched 3' into the setback. However, one of the staff comments during the DRC process had been to add architectural features to the west elevation, which had been done. He pointed out that balconies began at 60' above grade and encroached 3' into a 20' setback. Mr. Hall thought the City Attorney would indicate that whether or not the Commission agreed with his interpretation, the Commission had the discretion to approve the proposed changes.

Mr. Hall stated the other two issues related to the beach FAR and the beach shadow ordinance. He advised that since this was not a new project, but an application to amend a site plan, and since the application did not seek to change any aspect of the building that would trigger the application of these two restrictions, it was not proper to judge the project against newly-enacted regulations. Mr. Hall said the application of the new measurement under the beach shadow ordinance would result in abandonment of the project because the project could not possibly meet that ordinance.

Mr. Hall stated that a great deal of time had been spent over the last months or year on construction management practices, which was important to beach area residents. He pointed out that staff had recommended construction management practices, and the applicant agreed with those recommendations and all of the staff conditions proposed. Mr. Hall stated that no streets would be closed during the construction of the project, and the work would be conducted on site. In fact, the building would be constructed in halves, so street closures would not be necessary.

Dr. Mahendra Gupta did not believe Mr. Hall had any idea about what was happening in the neighborhood, and the neighbors were the people who would have to live with this project. He pointed out that the guests of the hotel would come and go, but it was area residents who would take the brunt. He felt all pending projects should be tabled and a citizen advisory committee formed from residents between the 17th Street Causeway, Sunrise Boulevard and Federal Highway. Dr. Gupta believed the applicant could sue the City for "dragging its feet," and he suggested the Commission let the City be sued and see what would happen. Dr. Gupta also felt the City should pursue changes in Congress.

Mr. Bill Smart, of Birch Tower, wondered why building projects of this nature were not shown in three dimensions. He understood the City had the necessary equipment, and this building would have impacts of significant proportions. Mr. Smart urged the Commission to ask its staff to provide three-dimensional visualizations of these proposed projects. He thought the proposed building would be great but not on such a small lot, and he felt a three-dimensional image of this and the nearby buildings were necessary to determine the impacts.

The City Manager advised that the City did not have the necessary equipment mentioned by Mr. Smart for three-dimensional modeling, although some developers did and City staff was working in that direction.

Mr. John Street, of the Central Beach Alliance and a resident of Birch Tower, said there were several other Birch Tower residents present this evening, and they stood at his request. He stated that there were 3 or 4 objections to this project, and he supported staff's comments. Mr. Street understood the 20' rear yard would be encroached into by 38 balconies and a lot of other decorative features. He favored decorative features but not when the rear wall was constructed to an extreme limit and when features encroached beyond that point.

Mr. Street stated that the definition of a yard in the ULDR indicated they were ground level, open areas on the same lot or plot as a structure, which area was unoccupied or unobstructed by any structure from the ground upward. He did not think that meant there should be a 20' strip at ground level with a building bulging outward above it. Mr. Street noted that 20' was an absolute minimum, and he felt the Commission should support that minimum.

Mr. Street felt that whether this was called an amendment or a new application, he felt it was the latter in substance and current rules should be applied. He thought the zoning in progress rule better protected the public beach, and this project obviously did not satisfy the requirements. Mr. Street referred to the spa. It seemed to him that it would be a gigantic facility, which he thought would present a major enforcement problem in the long run as friends of guests and business associations of guests were eventually allowed to use the facility. Mr. Street understood the applicant wanted the Commission to rely on a document not yet written to ensure against that eventuality.

Mr. Leo Gillespi, of the Greater Fort Lauderdale Lodging and Hospitality Association, stated that tourism was the motor that drove the economic engine in this area. He felt the City needed quality hotel rooms on the beach, and this project was a fine example of the type of product necessary to attract conventioners and tourists to Fort Lauderdale.

Mr. Roger Handevidt described his background in the hotel business, and he had served on various boards and association. Although he felt this would be a good hotel, he thought it would be bad for the neighborhood. He noted that the hotel included a restaurant, which generated a need for more parking, although he agreed that the spa would be "in house." Mr. Handevidt did not agree that this was the same hotel previously approved because 20 more rooms were being added. He viewed that as a major increase that would generate more cars.

Mr. Handevidt suggested that the applicant reconfigure the hotel to provide the parking staff felt was necessary. He noted that nothing had been said about employee parking, and there were no parking lots nearby. He pointed out that there were very few on-street parking spaces in the area, and they were all being used by existing hotels that could no longer have back-out parking. Mr. Handevidt noted that another project was going to be presented next that met all of the requirements of the ULDR, and he believed this project could conform with the rules as well if the Commission refused to give in and followed staff's recommendation.

Ms. Alysian Childs, of the Central Beach Alliance, referred to construction site management. She stated that because this project involved in-fill construction, the quarters were very tight. She asked that guidelines adopted by the City be enforced. Ms. Childs stated that 2 projects in the area were underway and, although Mr. Hall had indicated otherwise, she believed street closures were inevitable. When street closures occurred, she asked that the neighborhood be notified in advance by letters and signals. In addition, when deliveries were being made to the site, she felt the applicant should provide a signal person to direct traffic and that the developer work with the neighborhood insofar as other issues related to construction.

Ms. Childs stated that dewatering activities often interfered with neighborhoods, and she recalled an occasion when neighborhood trash could not be collected because there had been 1-1/2' of water in the gutter. She felt that was a health safety issue, particularly in a waterfront area.

Mr. Hall agreed with Ms. Childs' comments and suggestions. He noted that Rosewood and the applicant had no intention of being a bad neighbor, and the restaurant in the hotel had all the parking required by the Code. He advised that the only parking issue related to the spa, and Mr. Handevidt had indicated he had agreed the spa would be an internal matter. Mr. Hall pointed out that the balconies and cornices had already been approved above grade, and yard was measured at grade according to the ULDR. He also noted that the project would be 149' in height in an area where a height of 250', so this project would not over power the lot. Mr. Hall felt the project would do nothing but enhance the City and be a good neighbor.

Commissioner Smith said he had met with representatives of Rosewood, and he believed it was a wonderful operator of beautiful hotels. However, he could not support this application. Commissioner Smith felt the beach was moving into a "high gear" phase with a lot of projects, and this Commission had taken a position against over developing the area. He thought the rules had been left very flexible in the 1980s and early 1990s because there was no action on the beach, but now there was, and a decision had been made to tighten the rules to allow for a little more setback and a little less shadow. Commissioner Smith felt this project was "pushing the envelope" and headed in the wrong direction. He thought the building was too big for the lot, and he opposed the project.

Commissioner Katz did not understand because this project had already been approved and, even if this application was denied, the building could still be constructed as originally approved with the same height, width, shadow, etc. It was her understanding that the footprint would not change so whether the Commission approved this application or not, there would still be a hotel although it would not be a Rosewood hotel. Commissioner Smith believed the balcony encroachments were new. Commissioner Katz agreed the extension of the balconies from 18" to 36" was the exception, but Rosewood could abandon the idea and another operator could construct the approved building.

Commissioner Katz asked the City Attorney when a new review was required and when it was not. The City Attorney replied that the Code contained no specific reference as to what constituted an amendment but, by custom and practice, site plans had been amended from time to time when a minor change was proposed to a plan that had already been approved. He advised that because there was no set standard, he could not say the Commission was required to treat this application as an amendment, but he believed the Code authorized the Commission to do so. The City Attorney thought the Commission might want to consider a Code amendment to include a provision as to what constituted an amendment and what would require a new site plan approval. In the absence of a clear cut standard, the City had treated small changes as amendments, but the Commission was not required to do so.

Commissioner Katz understood the beach would have the same shadow regardless of whether or not this was approved and Rosewood operated the new hotel. She wondered if it would make Commissioner Smith feel better if there was a written promise that the spa would never be opened to the public. Commissioner Smith said he had opposed this project originally, and then it had been amended. He had still not liked it, but he had deferred to the rest of the Commission. Commissioner Smith understood the building that had been approved could be built, but it had not been so it must not have been feasible.

Commissioner Smith believed this project would "go away," and the developer would submit a new plan for a building of reasonable size and setbacks. He hoped the rest of the Commission would agree that this plan had major flaws.

Commissioner Hutchinson inquired about the beach shadow restrictions and how this project failed to comply. Ms. Hollar explained that Ordinance No. C-00-26 had provided clarification as to how the beach shadow provisions should be applied. She demonstrated how the approved site plan would affect shadows using a pen. Mr. Koeth stated that the area above 35' was the area affected, and the project complied with the former beach shadow restrictions.

Commissioner Hutchinson agreed with Commissioner Smith that this property was too small for this building. She pointed out that the Central Beach Alliance had worked for years to get certain standards in place so the area would be livable for both residents and tourists. Commissioner Hutchinson was concerned about the fact that it was still necessary for Ms. Childs to discuss construction management practices, and she hoped staff would deal with this issue.

Commissioner Moore thought the Commission should consider enacting some type of fee in order to provide a staff member to monitor construction management. He felt there should be someone on the site, at the developer's expense, who could monitor those issues as soon as possible.

Commissioner Moore said the problems raised did not seem to make much sense with the exception of employee parking. He asked if the applicant would be willing to lease off-site parking from the City for its employees and provide shuttle services. Mr. Hall could not answer that question now, but the Code required 1 space for each hotel room based on accepted standards. That 1 space per room clearly assumed every guest did not have a car, and it assumed a certain number of employees.

Mr. Mark Geller, Hotel Consultant, stated that a boutique-type hotel did not provide banquet space other than a private board room. In a typical hotel, the largest volume of employees related to the banquet and kitchen functions, and the restaurant component of this hotel was very small at about half the size of the former Eastside Grill. Mr. Geller said that when staffing and travel patterns of luxury guests were considered, provided parking was rarely all used unless there was a banquet. He explained that it was difficult to concede a solution to a problem that did not exist but, if there ever was a parking problem, it would be in the operator's best interests to resolve it by any means including leasing spaces. Mr. Geller also noted that many of the employees would be using public transportation, but the developer would be willing to take any steps necessary to solve a parking problem should one ever arise.

Commissioner Moore understood that 100% of the parking would be valet parking. However, he was sure employees cars would not be parked by valets. Mr. Geller stated that the building would have a basement level, and it was envisioned that it would be a dedicated employee level along with the top level to the extent that the staff had automobiles. Commissioner Moore asked how many spaces were involved. Mr. Geller estimated about 80 employee spaces, but he did not envision having 80 employees with automobiles in a hotel of this size. He stated that the valets would use whatever spaces remained, and the hotel did not have the banquet facilities that caused problems. Mr. Geller pointed out that the operator's fundamental criteria was the utmost in service and convenience to its guests, and it would not compromise that criteria by failing to address employee parking.

Ms. Hollar noted that there was a provision in the central beach that an applicant could pay into the parking facility fund up to 100% of the parking requirement as long as it did not exceed 50 spaces. Therefore, that option was available to this applicant. In addition, she pointed out that a portion of the parking could not be used by other than valets because when valet parking was permitted, it had to be 100% valet parking. Ms. Hollar stated that if any of the spaces were going to be used by employees, the vehicles would have to be parked by valets.

Mr. Geller said he would work with staff and, if a determination were made that there was a need for additional off-site parking, an arrangement to lease spaces would be made. Commissioner Moore believed this type of arrangement would be necessary more and more in the beach area, particularly with respect to the employee base.

Mr. Hall stated that the applicant would make a commitment to provide off-site parking as needed. Commissioner Moore understood the spa would be restricted to those individuals who were keyed users. Mr. Hall agreed to such a written condition.

Commissioner Moore could not help but agree with Commissioner Katz. He noted that there was an approved site plan, and now the decision came down to whether there would be a 5-star operator or something less. He thought an 18" encroachment was worth it to get a 5-star operator, particularly if best management practices were ensured during the construction period.

Commissioner Katz wondered if applicants could be required to provide three dimensional models, even if they were built with match sticks, until the City had its own CAD modeling system. Commissioner Moore supported the idea. Mayor Naugle thought one of the local high schools could provide this type of service. Commissioner Moore felt the City should absolutely require three-dimensional imagery of developers. Commissioner Smith agreed.

Commissioner Katz had noticed that several of the Rosewood hotels had far fewer rooms than this project proposed. She wondered if the applicant would like to defer this application and work on the possibility of reducing the size of the building. Commissioner Katz hated to lose a 5-star hotel, and she was hopeful some compromise position could be reached. Mr. Hall stated that the luxury of the hotel and the manner of its operation would be consistent with all other Rosewood hotels.

Mr. Geller acknowledged that Rosewood had a variety of hotels with less than 100 rooms. He advised that throughout the world there were different labor costs, and that was the most expensive cost in the business. He explained that there were some general "rules of thumb" in the business, and luxury hotels had personnel costs that necessitated a critical mass of hotel rooms. Mr. Geller said that in the United States in the boutique hotel industry that critical mass was definitely over 100 rooms because anything less would not generate a return on the investment.

Commissioner Moore thought that if the number of rooms were reduced, the operator would have to look to some other income generator such as increasing the size of the restaurant. Mr. Geller agreed that was correct.

Commissioner Moore introduced a written resolution, with additional conditions to provide off-site employee parking, best construction management practices, and use of the spa restricted to keyed hotel guest, entitled:

RESOLUTION NO. 01-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A BEACH DEVELOPMENT PERMIT FOR THE AMENDMENT TO A SITE PLAN FOR A HOTEL, RESTAURANT AND RETAIL USE ON PROPERTY LOCATED AT 607 FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore and Katz. NAYS: Commissioner Smith, Hutchinson, and Mayor Naugle.

At 9:18 P.M., Commissioner Katz left the meeting. She returned at 9:20 P.M.

**Development of Significant Impact/ABA -
Ramola Motwani – Gold Coast Resort (PZ Case No. 80-R-00) (R-2)**

At the Planning and Zoning Board regular meeting on January 18, 2001, it was recommended by a vote of 7 to 1 that following application be approved.

Applicant: Ramola Motwani
Request: Development of significant impact/ABA
Location: 551 Fort Lauderdale Beach Boulevard

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Jim Koeth, Construction Services, stated that this was a request for a hotel of approximately 245' in height, with 215 rooms, 105 time share units, 6,894 square feet of restaurant space and another restaurant of 3,994 square feet. In addition, there would be 1,638 square feet of health club area for guests only, 14,760 square feet of conference area, and 500 square feet of retail use. He stated that a parking structure would be provided containing 595 spaces, which was 4 more spaces than that required. Mr. Koeth advised that the project met all minimum setback requirements, and staff had found the proposed site plan in conformity with the ULDR and design guidelines, subject to the conditions contained in the written report distributed to Commissioners.

Mr. Ron Mastriana, Attorney for the applicant, distributed some written materials and noted that some letters of support had been added along with some colored renditions of the internal site plan. He described the applicant's background and the history of the property. Mr. Mastriana said the existing buildings had been constructed in the 1940s and 1950s, and he felt the older hotels added little to the beach area. He felt this was the time for redevelopment of the property, and the applicant proposed adding another signature property to the beach in partnership with the developer of the St. Regis Hotel.

Mr. Mastriana felt the architect had come up with something special while avoiding the typical "wedding cake" solution to the shadow ordinance. He stated that this was a very large site, encompassing the entire block, and the original idea had been to develop the property in its entirety. However, after working with staff and the community, the applicant had cut the development in half.

Mr. Mastriana stated that no part of the building would exceed 200' even though it was 350' long. He noted that the shadow ordinance commenced at ground level, and the two buildings on the site would be separated by 60'. Mr. Mastriana pointed out that the setbacks were provided as required at 20' except on the east side where a 42' setback would be provided to create a grand entrance. He advised that all service would take place inside the building, and a sail shape was proposed rather than wedding cake shape.

Mr. Mastriana stated that extensive landscaping would be provided in the front 100' of the property, and the parking deck would be enclosed allowing only minimal exposure to the outside. He advised that a water feature was proposed to enhance the project, and extra care had been given to develop a plan that met the City's standards with a design that would result in a signature property. Mr. Mastriana expected to have an operator lined up within 30 days, and a first class restaurant was proposed on the east side. He believed this would be a very special project. Mr. Mastriana also pointed out that the traffic study had factored in all of the proposed developments on the beach even though he believed half would never be built. He added that the City had adopted traffic mitigation procedures during construction, and the applicant agreed to abide by the two additional procedures Ms. Childs had suggested earlier in the evening.

Commissioner Moore asked Mr. Mastriana if the applicant would agree to provide employee parking off site. Mr. Mastriana had no objection, although this development had 595 parking spaces. Therefore, there was more parking than would ever be needed, but he thought the principle of off-site parking made sense. He believed that 60% to 70% of the employees would arrive by bus, but he supported the concept. Mayor Naugle noted that the water bus would be available soon, too.

Mr. Leo Gillespi stated that the Greater Fort Lauderdale Lodging and Hospitality Association had unanimously endorsed this proposal.

Dr. Mahendra Gupta thought it would be in the best interests of the public to postpone this project pending further discussions by the public. He suggested that this project and the last be developed together rather than separately.

Mr. Fred Taylor, of Wish You Were Here Inn, said he was a member of the Beach Council, and he hoped the Commission would support this quality project. He pointed out that the entire City had invested in redevelopment of the beach area, and he hoped this and other quality projects would be approved.

Dr. Leslie Back, of Birch Tower, was ecstatic that this project met all the standards. She thought it was a fine project, but she had a concern about traffic in the beach area because she could no longer drive her car on the weekends. She wondered if the City had any plans to conduct traffic studies in the areas where all the new projects were being developed. Ms. Back had counted 14 projects of this magnitude in progress now, and she hoped traffic patterns were being examined in the beach area.

Commissioner Smith said there was a plan for traffic in the beach area, and there was \$15 million available. He advised it would create a new parking garage at Las Olas Boulevard and A-1-A so people could park instead of looping around the beach. A beach bypass was also proposed so there would be an easier way to access Birch Road and avoid the beachfront. Commissioner Smith advised that a lane would also be dedicated to a trolley to serve the beach area and those who wanted to go slowly.

Ms. Lee Darwin, of Birch Tower, stated that the citizens had voted for beach redevelopment, but they had not voted for beach over-development, and that was beginning to happen. Area residents could not go out on the weekends because, if they did, they could not get home because the traffic was horrendous. She believed that luxury hotels had approximately 4 employees for each guest, and she envisioned more of a quaint, village atmosphere rather than a "small Manhattan."

Mr. Glenn Wise, of Leisure House, said he had moved here 6 months ago, and he had monitored the construction practices of a major development in Seattle, and he had volunteered his services to the Central Beach Alliance. Commissioner Smith hoped Mr. Wise would leave his number with staff.

Mr. Roger Handevidt thought this was a time to celebrate because he had waited for years to hear about a project that conformed with standards.

Ms. Diane Smart, President of Birch Square, understood a Beach Transportation Study had been conducted in October, but she seriously questioned it. She questioned the database on which that study had relied and suggested consideration of a turn lane at Vistamar, southbound on A-1-A. Ms. Smart understood this was a time the City could take some property by eminent domain for the roadway, and the Executive Director of Bonnet House had indicated it was open to the City's advances in this regard.

Ms. Alysian Childs, of the Central Beach Alliance, stated that the parties had agreed on construction site management terms. She noted that this was something of a "learn as you go" process, but she had been working with the Police Department, City staff and the development community to address these types of issues.

Mr. John MacDonald, the developer, stated that projects like this did not debase the environments in which they sat but were major economic investment that took a long, long time to generate a return. He believed the only way they could generate a return was if they were maintained and operated in a responsible manner on an ongoing basis over a long period of time. Mr. MacDonald pointed out that the traffic problems in the area were not due to buildings that had not yet been constructed, but due to the bars and restaurants and lack of good reason. He felt he operated in a responsible manner, and projects of this nature could only add to the environment.

Mayor Naugle congratulated the applicant on presenting a project that met all of the established criteria. Commissioner Smith concurred and complimented this project's Architects, who had designed a beautiful project that conformed with all the rules.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A BEACH DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A HOTEL, PARKING GARAGE AND RESTAURANT ON PROPERTY LOCATED AT 551 FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA IN AN ABA ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Development of Significant Impact/IOA – La Rive Condominium -
Vicenzo Esposito and Christian D. Wissing (PZ Case No. 123-R-00) (R-3)**

At the Planning and Zoning Board regular meeting on December 20, 2000, it was recommended by a vote of 5 to 3 that the following application be approved. (On February 6, 2001, the City Commission deferred consideration of this item to March 15, 2001).

Applicant: Vicenzo Esposito and Christian D. Wissing
Request: Approval of development of significant impact/IOA
Location: La Rive Condominium - 715, 725 Bayshore Drive

Motion made by Commissioner Moore and seconded by Commissioner Smith to defer consideration of this item to April 5, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Agreement - Broward County -
Broward Boulevard Streetscape Improvement Project (N.W. 7 Avenue
to State Road 7/City-Funded Portion to City Limits on N.W. 31 Avenue) (R-4)**

Mayor Naugle passed the gavel to Vice-Mayor Smith.

Motion made by Mayor Naugle and seconded by Commissioner Smith to reconsider the action taken in this regard on February 20, 2001. Roll call showed: YEAS: Commissioners Moore, Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

The City Manager stated that staff proposed to proceed with development of an assessment along this corridor. He believed that 30% to 50% of the necessary funding could be gathered through the assessment process. He suggested that this project be proposed for funding with the Capital Improvement Plan (CIP) in an amount not to exceed \$89,000 for 10 years. The City Manager said he would work hard to have the assessment in place on October 1, 2001, so no funding would be needed in this fiscal year for this particular project. He hoped the amount that would have to be funded would range from 50% to 70% of the estimated cost.

The City Manager felt this was a critical project and would hate it if this were the only link missing along Broward Boulevard within the City limits. He also noted that representatives from the County had met with staff this week about a similar proposal for Sunrise Boulevard, and staff would be examining potential funding sources for that project.

Mayor Naugle hoped there could be projects like this, with modest assessments, on State Road 84, Davie Boulevard, Sunrise Boulevard, and other streets that needed upgrading. Commissioner Smith said he could support this effort, although Sunrise Boulevard was also a Florida Department of Transportation (FDOT) project with a major shortfall in terms of the nice amenities. In fact, all the landscaping had been eliminated, and there was a shortfall in that project of about \$650,000. Commissioner Smith wanted a similar agreement worked out in terms of this project as well.

Commissioner Moore had no problem with the idea of seeking an assessment project on Sunrise Boulevard, but he thought the City could do a better job of negotiating with the FDOT. He pointed out that the FDOT had done a nice project at Sunrise Boulevard and Federal Highway, and he believed the FDOT could meet the same standards in this area. Mayor Naugle thought the best strategy would be to assemble the State officials that represented the area. Commissioner Moore agreed that would be helpful. Commissioner Smith said all he was seeking was a commitment from his colleagues in terms of the Sunrise Boulevard project.

Commissioner Katz noted that a master plan for the City was being developed that would include Broward and Sunrise Boulevards, and she wondered if the County would be interested in providing some pedestrian amenities in conjunction with these plans, such as extra shade trees and wider sidewalks. The City Manager said he could approach the County about pedestrian amenities.

A resolution was presented authorizing the proper City officials to execute an agreement with Broward County in the amount of \$839,500 for streetscape improvements for Broward Boulevard between N.W. 7 Avenue and State Road 7 (with the City-funded portion to the city limits of N.W. 31 Avenue). Commissioner Moore thanked the Commission for its reconsideration of this item.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY, FLORIDA, PROVIDING FOR STREETSCAPE IMPROVEMENTS TO BROWARD BOULEVARD FROM STATE ROAD 7 TO NORTHWEST 7 AVENUE. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Grant Application – Florida Inland Navigation District (FIND), Waterway Assistance Program – Construction of Riverwalk, South Side of New River Between Third Avenue Bridge and Tunnel(R-5)

A resolution was presented authorizing the proper City officials to apply for a grant with FIND for the construction of Riverwalk, along the south side of the New River between the Third Avenue Bridge and the Tunnel; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Commissioner Katz said she had received a number of letters about this item. She had a concern that there were needs on the marine side and on the Riverwalk side, and those needs were not meshing. She felt the Commission should come up with a compromise that made Riverwalk a pedestrian-friendly area, as intended, and also provide a means to supply the boats at the docks.

Mayor Naugle believed a compromise plan had been identified. He understood the Marine Advisory Board and the Parks, Recreation & Beaches Advisory Board had endorsed "Plan B," and the Riverwalk Committee had preferred "Plan A." However, it had been suggested that if the automobile parking was moved on to the south side of the pavers under "Plan B," there would not be a line of cars between the walkway and the water. He pointed out that parking and a travel lane would be available, and access to the fueling dock would be maintained without blocking the view. Mayor Naugle thought the best thing about "Plan B" was that when there was an event along the Riverwalk, this would provide more hard surface space for booths and other activities. He felt Plan B was a good compromise.

Commissioner Hutchinson understood this was a conceptual plan developed for the purpose of seeking this grant. Mr. Pete Sheridan, Assistant City Engineer, agreed it was a conceptual plan to show all the amenities. Mayor Naugle asked when a decision would have to be made on the plan. Mr. Sheridan thought a firm decision would be necessary no later than May, and the grant application was due on April 1, 2001. He advised that minor changes could be made to the plan, and the suggestions offered by the different Advisory Boards were not major.

Mr. Sheridan explained that he needed Commission direction as to which of the two plans to submit for grant purposes, but staff would come back with modifications. Mayor Naugle suggested approval of the modified Plan B with the cars on the south side, with the understanding that it could always be revisited.

Mr. Steve Tilbrook, of Riverwalk Fort Lauderdale, supported this application for a FIND grant. He also supported Plan B and hoped staff would go back and try to make as much parking off the Riverfront as possible. He understood the need for vessel provisioning and vehicular access, and there was a public parking garage nearby where at least 10 of those vehicles could be parked. Mr. Tilbrook displayed the Riverwalk Master Plan and felt there had been very little review of Plan B. He did not believe the Parks, Recreation & Beaches Advisory Board had reviewed it.

Mr. Sheridan corrected that the plan had not been presented to the Parks, Recreation & Beaches Advisory Board yet.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR FURTHER DEVELOPMENT OF THE RIVERWALK AND FOR IMPROVEMENTS TO EXISTING DOCKING FACILITIES ON THE NEW RIVER; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Grant Application – Florida Inland Navigation District
(FIND) – Navigational Dredging of the North Fork New River (R-6)**

A resolution was presented authorizing the proper City officials to apply for a grant with FIND for work associated with the navigational dredging of the North Fork New River; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR NAVIGATIONAL DREDGING OF THE NORTH FORK OF THE NEW RIVER FROM THE CONFLUENCE OF THE NORTH FORK TO THE ARGYL CANAL AND FROM BROWARD BOULEVARD TO SISTRUNK BOULEVARD; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE SUCH GRANT FUNDING.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Executive Airport – Lease Amendment for East Group Properties Parcel 13 (R-7)

A resolution was presented authorizing the proper City officials to amend the East Group Properties Lease Agreement for Parcel 13 to provide for the rental payments to be adjusted every three years using the Consumer Price Index with April 1999 as the base year.

Commissioner Moore inquired about the price per square foot for the properties associated with this Item and Item R-8. The Airport Manager stated that the price under this item, the land value was \$5.50 per square foot, and the rental rate was capitalized at 10% of fair market value, resulting in a yield of \$.55 per square foot. He advised that the land value under Item R-8 was \$5 per square foot. The Airport Manager stated that the market value varied due to location and timing of the appraisals.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FIFTH AMENDMENT TO LEASE AGREEMENT WITH EASTGROUP PROPERTIES, PROVIDING FOR A REVISION TO THE RENTAL ADJUSTMENT POLICY, PERTAINING TO PARCEL 13 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Executive Airport – Lease Amendment for East Group Properties Lots 1 and 2 (R-8)

A resolution was presented authorizing the proper City officials to amend the East Group Properties Lease Agreement for Lots 1 and 2 to provide for the rental payments to be adjusted every three years using the Consumer Price Index with April 1999 as the base year.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SIXTH AMENDMENT TO LEASE AGREEMENT WITH EASTGROUP PROPERTIES, PROVIDING FOR A REVISION TO THE METHOD OF RENT ADJUSTMENT PERTAINING TO LOTS 1 AND 2 AT FORT LAUDERDALE EXECUTIVE AIRPORT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Executive Airport – ASOS Lease Agreement with Federal Aviation Administration (FAA) (R-9)

A resolution was presented authorizing the proper City officials to execute the FAA Lease covering the ASOS facilities at Executive Airport.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION PROVIDING FOR THE LEASE OF PROPERTY AT FORT LAUDERDALE EXECUTIVE AIRPORT FOR AN AUTOMATED SURFACE OBSERVING SYSTEM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Accept Instruments of Conveyance – ACP Office I LLC/ Fort Lauderdale Telcom Center LLC – Executive Airport Administration Building (R-10)

A resolution was presented authorizing the acceptance of three instruments of conveyance from ACP Office I LLC/Fort Lauderdale Telcom Center LLC for utility and access easements needed for the construction of the Executive Airport Administration Building.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, ACCEPTING CERTAIN INSTRUMENTS OF
CONVEYANCE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

2001 Citizen of the Year – William V. Keith (R-11)

A resolution was presented selecting and honoring William V. Keith as Citizen of the Year of Fort Lauderdale for 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, SELECTING AND HONORING WILLIAM V. KEITH
AS CITIZEN OF THE YEAR FOR 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

2001 Distinguished Citizen – James A. Scott (R-12)

A resolution was presented selecting and honoring James A. Scott as Distinguished Citizen of Fort Lauderdale for 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, SELECTING AND HONORING JAMES A. SCOTT
AS CITIZEN OF THE YEAR FOR 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

2001 Honored Founder – George W. Gill..... (R-13)

A resolution was presented selecting and honoring George W. Gill as Honored Founder of Fort Lauderdale for 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING GEORGE W. GILL, JR. AS HONORED FOUNDER FOR 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

2001 Exemplary City Employee – Thomas L. Tapp (R-14)

A resolution was presented selecting and honoring Thomas L. Tapp as Exemplary City Employee of Fort Lauderdale for 2001.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SELECTING AND HONORING THOMAS L. TAPP AS EXEMPLARY CITY EMPLOYEE FOR 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Demolition of Buildings (R-15)

At the January 18, February 15 and March 8, 2001 meetings of the Unsafe Structures and Housing Appeals Board, it was recommended that the City demolish the buildings at the following addresses and assess the properties with costs.

- (1) 501 N.W. 6 Street
- (2) 615 N.W. 5 Avenue
- (3) 619 N.W. 5 Avenue
- (4) 1427 N.W. 6 Street

Commissioner Moore had received some correspondence with regard to 1427 Northwest 6th Street.

Motion made by Commissioner Moore and seconded by Commissioner Smith to authorize the demolition of the buildings identified as (1), (2), and (3) above. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

(4) 1427 N.W. 6 Street

Mr. Mizell, owner of the subject property, said he had a contract with a General Contractor to restore the subject building. He also had architectural drawings, and he planned to invest \$26,000 in this property. He explained that there had been two structures – one at 610 Northwest 14th Terrace and this one. Mr. Mizell stated that the Inspector had refused to identify 610 as a separate address, and the citations had been all mixed up.

Mr. Mizell said the wooden structure at 610 had not been reparable, although the contractor had disagreed, but the other was made of concrete block and steel. He stated that someone had made an error in December and rushed out and knocked down the wooden building, damaging the CBS building in the process. Mr. Mizell reported that only 4 months after the Notice of Violation had been issued, he had been notified that the City was going to demolish the property even though the electrical violations had already been corrected.

Mayor Naugle asked Mr. Mizell if he wanted to retain the cement building and tear down the wooden building. Mr. Mizell replied that had been his plan, and Mr. Bob Young had boarded the building. He stated that he happened to go by shortly thereafter and observed one of the City's Inspectors dismantling the boards the City had demanded. Mayor Naugle was sure it could not have been a City employee because that would be criminal activity. Mr. Mizell characterized this as "Gestapo tactics." Nevertheless, Mr. Young had indicated it would take him no more than 30 days to demolish the building.

Commissioner Moore suggested that the City delay this demolition for 30 days to allow the owner an opportunity to do the work first. It was agreed. Mayor Naugle hoped that had not been a City employee on Mr. Mizell's property. The City Manager said he would look into it.

Commissioner Moore explained that the City had developed various funding mechanisms to improve properties in this area so it would not be perceived as what Dr. Gupta had described as "blighted." He noted that a façade treatment program had been offered to area property owners, and he wanted Mr. Mizell to know that the City was interested in redevelopment the area. He hoped Mr. Mizell would be interested in redeveloping his property through the Economic Development Division of the City.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A," BECAUSE OF NON-COMPLIANCE WITH THE SOUTH FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Lot Clearing and Cleaning Charges (R-16)

A resolution was presented authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Building Board-Up and Securing Charges (R-17)

A resolution was presented authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Appointment of Special Masters – M. Daniel Futch,
Richard E. Connor, Floyd V. Hull, Meah Rothman Tell, and Karen M. Zann (R-18)**

A resolution was presented authorizing the reappointment of Special Masters M. Daniel Futch, Richard E. Connor, Floyd V. Hull, Meah Rothman Tell, and Karen M. Zann for one-year terms.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING RICHARD E. CONNOR, M. DANIEL FUTCH, FLOYD V. HULL, MEAH ROTHMAN TELL AND KAREN M. ZANN AS SPECIAL MASTERS FOR THE CITY OF FORT LAUDERDALE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 10:27 P.M., the meeting was recessed. It was reconvened at 10:40 P.M.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Unsafe Structures and Housing
Appeals Board

Jeff Moos

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 01-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Elgin Jones (OB)

Mayor Naugle inquired as to action with respect to the allegation that Mr. Elgin Jones had felt his life had been threatened. Mr. Jones felt the investigation should be conducted by an agency such as the Broward Sheriff's Office. The City Manager said that he had requested an investigation by an outside body because there were a number of pending actions involving Mr. Jones.

At 10:45 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

Lucy Masliah
City Clerk